

BILL NO. 82-10

BOOK 7 PAGE 419

AS AMENDED

COUNTY COUNCIL

OF

HARFORD COUNTY, MARYLAND

BILL NO. 82-10 (AS AMENDED)

Introduced by Council President Hardwicke at the request
of the County Executive

Legislative Day No. 82-3 Date January 19, 1982

AN ACT to repeal and re-enact, with amendments, Chapter 4
heading, Animals, of the Harford County Code, as
amended; to provide for appropriate care, licensing,
maintenance, and protection of animals, to provide
standards for pet shops, and to provide penalties
for violation of this Chapter.

By the Council, January 19, 1982

Introduced, read first time, ordered posted and public hearing scheduled

on: February 16, 1982

at: 7:00 P.M.

By Order: Angela Markowski, Secretary

PUBLIC HEARING

Having been posted and notice of time and place
of hearing and title of Bill having been published according to the
Charter, a public hearing was held on February 16, 1982
and concluded on February 16, 1982.

Angela Markowski, Secretary

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from
existing law. Underlining indicates language
added to Bill by amendment. Language lined
through indicates matter stricken out of Bill
by amendment.

BILL NO. 82-10
AS AMENDED

1 Section 1. Be It Enacted By The County Council Of Harford County,
2 Maryland, that Chapter 4, heading, Animals, be, and it is hereby
3 repealed and re-enacted, with amendments, all to read as follows:

4 Chapter 4. Animals.

5 Article 1. In General.

6 Section 4-1. Definitions.

7 For the purposes of this chapter, the following words
8 and phrases shall have the following meanings [respectively ascribed
9 to them by this section]:

10 Animal abandonment. Disposal of an animal in a manner
11 not allowed by law.

12 Animal Control Advisory Commission. The duly appointed
13 Animal Control Advisory Commission of the county.

14 Animal control warden. The person employed or desig-
15 nated by [the animal control commission] THE COUNTY as its
16 enforcement officer.

17 Animal shelter or animal pound. Any premises so
18 designated by the [animal control commission] DEPARTMENT OF
19 INSPECTIONS, LICENSES AND PERMITS for the purpose of impounding
20 and caring for [the] animals found running at large or in violation
21 of this chapter.

22 At large. Any dog will be deemed to be "at large" when
23 [he] IT is [off the property of his owner] UPON THE PROPERTY OF A
24 PERSON OTHER THAN THE OWNER OR WITHIN THE TRAVELED PORTION OF
25 ANY PUBLIC ROAD and not [under the restraint of a responsible
26 person] LEASHED OR UNDER THE CONTROL OF ITS OWNER AND OBEDIENT TO
27 OWNER'S COMMAND.

28 DEPARTMENT. THE DEPARTMENT OF INSPECTIONS, LICENSES AND
29 PERMITS.

30 DOG FANCIER. ANY PERSON WHO OWNS OR HARBORS WITHIN OR
31 ADJOINING A PRIVATE RESIDENCE THREE OR MORE DOGS FOR THE NON-
32 COMMERCIAL PURPOSES OF HUNTING, PRIVATE TRACKING OR EXHIBITION IN

1 SHOWS OR FIELD TRIALS, THAT MAY OCCASIONALLY BREED AND SELL AS
2 A HOBBY AND/OR TO IMPROVE A REGISTERED BREED.

3 [Exposed to rabies] RABID DOG. A dog [has been "exposed
4 to rabies"] SHALL BE CONSIDERED "RABID" if it has been bitten by
5 or exposed to any animal infected with rabies.

6 Kennel. [Any person engaged in the] THE business of
7 breeding, buying, selling or boarding dogs.

8 Owner. Any person owning, keeping, [or] harboring, [a
9 dog.] OR ACTING AS CUSTODIAN OF A DOMESTICATED ANIMAL. ANY ANIMAL
10 OWNED BY A MINOR SHALL BE DEEMED TO BE OWNED FOR THE PURPOSES OF
11 THIS SECTION BY THE PARENTS OR GUARDIANS WITH WHOM THE MINOR
12 RESIDES.

13 Pet shop. [An establishment which offers to sell live
14 animals of any species with the intent that they should be kept as
15 pets in the household.] A BUSINESS ESTABLISHMENT THAT SELLS
16 AND/OR OFFERS TO SELL ANIMALS, WHETHER AS AN OWNER, OR AN AGENT
17 OF THE OWNER, TO THE GENERAL PUBLIC. HORSE FARMS LICENSED BY
18 THE STATE SHALL NOT BE CONSIDERED PET SHOPS.

19 [Public nuisance. Any dog repeatedly found at large,
20 making loud or objectionable sounds, damaging property or acting
21 in any manner which is deemed to be doing damage to property or
22 the public health and well being of the people or any dog which
23 is known to have bitten a person or shall have been determined
24 by the animal control commission to be a detriment to public
25 health, welfare and safety, shall be deemed to be a "public
26 nuisance."]

27 [Restraint. A dog is under "restraint" if it is con-
28 trolled by a leash or under the control and in view of an owner
29 and obedient to that person's commands on or within a vehicle
30 being driven or parked on the street or within the property
31 limits of its owner or keeper.]
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1 VIOIOUS OR DANGEROUS ANIMAL. ANY ANIMAL THAT MAY POSE
2 A PHYSICAL THREAT TO HUMAN BEINGS, ANIMALS OR LIVESTOCK BY VIRTUE
3 OF SPECIFIC TRAINING OR DEMONSTRATED PROPENSITIES OR BEHAVIOR; ANY
4 ANIMAL WHICH WITHOUT PROVOCATION HAS BITTEN OR ATTACKED A HUMAN
5 BEING, OR OTHER ANIMAL OR LIVESTOCK SHALL BE PRESUMED TO BE VICIOUS.

6 Article II. Animal Control ADVISORY Commission.

7 Section 4-2. Composition.

8 The Animal Control ADVISORY Commission shall consist of
9 the following [three] FIVE persons: A member of the county health
10 department, ~~a member~~ THE DIRECTOR OR DIRECTOR'S DESIGNEE of The
11 Humane Society of [the] HARFORD County, Inc. and [one]
12 THREE residents of the County. All members [will]
13 SHALL be appointed by the County Executive in accordance with the
14 provisions of Sections 223 and 313 of the Charter. The term of
15 office of Commission members shall be [coterminous with that of the
16 county executive] TWO YEARS. The county executive shall select the
17 [chairman] CHAIRPERSON of the commission. [His term of office shall
18 be for the period of his term on the commission.] THE DIRECTOR
19 OF THE DEPARTMENT SHALL BE AN EX OFFICIO MEMBER OF THE COMMISSION.

20 Section 4-3. Duties.

21 The Animal Control ADVISORY Commission shall meet as
22 often as [deemed necessary by the chairman] IT DEEMS NECESSARY to
23 hear formal complaints which relate to animals and to conduct such
24 OTHER business [as deemed necessary to insure compliance with this]
25 WITHIN THE AUTHORITY SET FORTH IN THIS chapter. THE COMMISSION
26 SHALL HEAR OR DESIGNATE PERSONS TO HEAR AND DETERMINE APPEALS BY
27 ANY PERSON, FIRM OR CORPORATION AGGRIEVED BY THE ISSUANCE OR DENIAL
28 OF A PERMIT OR LICENSE BY THE DEPARTMENT. The [commission]
29 DEPARTMENT shall promulgate rules and regulations governing methods
30 of operation of any animal pound or shelter, methods of collection,
31 care and disposal of animals and such additional regulations as may
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1 be required for the enforcement of this chapter. The commission
2 shall annually prepare a PROPOSED budget for the [operation of the
3 animal pound and the] animal control activities as required to
4 enforce this chapter and present [it] SAID BUDGET to the [county
5 executive] DIRECTOR OF THE DEPARTMENT FOR REVIEW AND APPROVAL.
6 [The commission shall keep records and be directly responsible to
7 the county executive.]

8 Section 4-4. Animal control wardens.

9 (a) The Animal CONTROL Wardens shall be [recommended by
10 the animal control commission to the county executive for his
11 approval.] EMPLOYED BY HARFORD COUNTY AND SHALL BE RESPONSIBLE
12 FOR THE ENFORCEMENT OF THIS CHAPTER AND ANY RULES AND REGULATIONS
13 PROMULGATED HEREUNDER.

14 (b) The Animal Control Wardens shall be [county employ-
15 ees under the direction and] SUBJECT TO THE supervision of the
16 [commission] DIRECTOR OF THE DEPARTMENT.
17 [Section 4-5. Enforcement of Chapter Generally.]

18 [The provisions of this chapter shall be enforced by the
19 appropriate law enforcement authority of the County and the animal
20 control wardens, who shall prosecute all persons found violating
21 the provisions of this chapter.]

22 Article III. Licensing.

23 Section [4-6] 4-5. Licenses required; application; term.

24 (a) [No person shall own, keep or harbor any dog within
25 the county unless such is licensed as herein provided.] A LICENSE
26 SHALL BE REQUIRED FOR ALL DOGS SIX MONTHS OF AGE AND OLDER.

27 Written application for such license shall be [made to the]
28 FILED WITH THE Department [of Inspections, Licenses and Permits of
29 the county]. The application shall state the name and address of
30 the owner and the name, breed, color, age, [and] sex, AND RABIES
31 INOCULATION STATUS of the dog. The license fee AS ESTABLISHED BY
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1 LAW shall be paid at the time of making application; thereupon a
2 [receipt] LICENSE and a numbered [identification] LICENSE tag shall
3 be issued to the [owner] APPLICANT.

4 (b) All dog licenses, DOG FANCIER LICENSES, kennel
5 licenses and pet shop licenses shall be issued for one year
6 beginning with the first day of July. [Applications for licenses
7 may be made forty-five days prior to the licensing year and shall
8 be within thirty days of taking up residency in the county,
9 if the dog does not possess a valid license from another political
10 subdivision. If a dog is brought into the county with a valid
11 license, no new license shall be required until the next Harford
12 County licensing year.] LICENSES ISSUED AFTER AUGUST 15, SHALL BE
13 SUBJECT TO A 50% SURCHARGE, WITH THE EXCEPTION OF DOGS REACHING
14 THE AGE OF SIX MONTHS AFTER JULY 1, AND DOGS NEWLY ARRIVED IN THE
15 COUNTY, WHICH DOGS SHALL BE LICENSED WITHIN 30 DAYS AFTER THE
16 ATTAINMENT OF SIX MONTHS OF AGE OR ARRIVAL IN THE COUNTY.
17 Section [4-7] 4-6. LICENSE fees.

18 (a) Dogs [generally]. [The yearly license fees
19 shall be five dollars for sterilized dogs and eight dollars for
20 unsterilized dogs. Tags shall be obtained when the dogs become
21 six months of age.] FEES MAY BE ESTABLISHED UNDER SECTION 13-21
22 OF THE HARFORD COUNTY CODE FOR STERILIZED AND UNSTERILIZED DOGS,
23 DOGS OWNED BY SENIOR CITIZENS, DOG FANCIERS FEES, KENNEL FEES, PET
24 SHOP FEES, TRANSFER FEES, GUIDE DOG FEES, POLICE DOG FEES, AND
25 VETERINARY HOSPITAL FEES.

26 [(b) Senior citizens. Senior citizens over sixty years
27 of age, on the tag fees only, shall pay three dollars for
28 sterilized dogs and five dollars for unsterilized dogs.]

29 [(c) Kennel. Every kennel which owns, harbors or keeps
30 from one to nine dogs over six months of age confined in a
31 kennel shall pay an annual license fee of fifty dollars; a fee
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1 of seventy-five dollars if the kennel owns, harbors or keeps from
2 ten to twenty-five dogs; and a fee of two hundred dollars if the
3 kennel owns, harbors or keeps more than twenty-five dogs.]

4 [(d) Pet shop. Every pet shop shall apply for an annual
5 pet shop license. The fee shall be fifty dollars per year; pet
6 shops shall not be required to have kennel licenses but shall be
7 required to maintain all requirements for the sale of dogs which
8 are required for kennels. Pet shops shall be required to maintain
9 satisfactory conditions as determined by the local health department
10 and meet all of the requirements which may be set forth for them
11 by the state department of health and mental hygiene or the
12 Maryland Livestock Sanitary Service of the University of Maryland.]
13 Section [4-8] 4-7. LICENSE tags.

14 (a) The county shall ANNUALLY ISSUE [provide annually]
15 LICENSE tags to [be given to] the owners of dogs when [such] THE
16 owners [shall] pay the license [fee] FEES for [such] THEIR dogs.
17 [Such] THE LICENSE tags shall be MADE of metal and SHALL not BE
18 more than one inch in length, AND THEY SHALL have the serial [number]
19 NUMBERS corresponding with the [number] NUMBERS on the license
20 [issued and have a substantial metal fastener with which to be
21 fastened to a dog's collar]. The general shape of the LICENSE tag
22 shall be changed from year to year, and the LICENSE tags furnished
23 TO kennel owners shall have the word "kennel" NOTED [thereon]
24 THEREUPON, and each kennel license holder [will] SHALL be entitled
25 to ten identical tags. If any tag is lost, it shall be replaced
26 by the county or designated agent upon application by the person
27 to whom the [actual] tag was issued upon production of [such] A
28 license and a fee [of one dollar] ESTABLISHED BY LAW. The owners
29 of kennel licenses shall [only] use their issued tags [on] ONLY
30 UPON dogs owned by them.
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1 (b) License tags shall be worn by [the] dogs at all
2 times.

3 [(c) The holders of kennel licenses shall, in writing,
4 submit to the animal control commission within three days, a
5 description of the animal, indicating age, sex, color and breed,
6 the names and the addresses of the persons who receive dogs from
7 their kennels and their county residences.]

8 [(d) If there is a change of ownership of a dog or
9 kennel during the license year, then the new owner may have the
10 current license transferred to his name upon payment of a transfer
11 fee of one dollar.

12 [Section 4-9. Guide dogs.]

13 [If the application for a license discloses that the dog
14 for which a license is sought should be used as a guide dog
15 trained to aid the blind, and it is actually used for this purpose,
16 the license shall be issued without payment of any fee, and the
17 issuing agent shall issue across the face of the license in red
18 ink the words, "Guide Dog."]

19 [Section 4-10. Police Dogs.]

20 [If the application for a license discloses that the dog
21 for which a license is sought should be used as a police dog
22 trained for this field and it is actually used for this purpose,
23 the license shall be issued without payment of any fee, and the
24 issuing agent shall issue across the face of the license in red
25 ink the words, "Police Dog."]

26 [Section 4-11. Veterinary hospitals.]

27 [Veterinary hospitals or clinics, research facilities
28 where bona fide medical research is being conducted, human shelters
29 and other animal establishments operated by veterinarians are
30 excluded from the kennel licensing requirements of this chapter.]
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1 Section [4-12] 4-8. Nonresidents.

2 The licensing requirements of this chapter shall not
3 apply to any dog belonging to a nonresident of the [state] COUNTY
4 and kept within the boundaries of the [state] COUNTY for not longer
5 than thirty days.

6 Section [4-13] 4-9. Disposition of money collected.

7 All money collected [for] FROM the sale of dog licenses
8 shall be deposited in the general fund of the County.

9 Article IV. Rules and Regulations.

10 Section [4-14] 4-10. [Restraint] DOGS AT LARGE; PROHIBITED.

11 [The owner shall not permit a dog to be at large, meaning
12 off the premises or property of the owner, unless under restraint,
13 except dogs accompanied by the owner being used or trained for
14 hunting and dogs accompanied by their owners on horseback. Damages
15 which result from dogs' hunting activities shall be the responsi-
16 bility of the dog owners.] NO OWNER OF ANY DOG SHALL PERMIT IT TO
17 BE AT LARGE.

18 Section [4-15] 4-11. Impoundment generally.

19 (a) [Unlicensed dogs] DOGS NOT WEARING A CURRENT HARFORD
20 COUNTY LICENSE TAG found [running] at large shall be taken to the
21 Humane Society of the county OR SUCH OTHER APPROPRIATE PLACE AS
22 MAY BE DESIGNATED BY THE DEPARTMENT and [there] confined in a
23 humane manner for a period of not less than [five days] NINETY-SIX
24 HOURS, EXCLUDING SUNDAYS AND COUNTY HOLIDAYS. [and may thereafter
25 become the property of and may be disposed of in a manner approved
26 by the animal control commission, if not claimed by their owners.]
27 THEREAFTER, THE DOGS BECOME THE PROPERTY OF THE COUNTY OR ITS
28 AGENT AND SHALL BE DISPOSED OF BY RETURN TO THEIR OWNER, ADOPTION
29 OR EUTHANASIA.

30 (b) DOGS WEARING A CURRENT HARFORD COUNTY LICENSE TAG
31 AND FOUND AT LARGE SHALL BE TAKEN TO THE HUMANE SOCIETY OF THE
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1 COUNTY OR SUCH OTHER APPROPRIATE PLACE AS MAY BE DESIGNATED BY THE
2 DEPARTMENT, AND CONFINED IN A HUMANE MANNER FOR A PERIOD OF NOT
3 LESS THAN ONE HUNDRED FORTY-FOUR HOURS, EXCLUDING SUNDAYS AND
4 COUNTY HOLIDAYS. [Licensed dogs running at large shall be held
5 seven days, and a reasonable effort shall be made to contact
6 the owner prior to disposal. Unclaimed dogs shall become the
7 property of and may be disposed of in a manner approved by the
8 animal control commission] THE OWNER OF THE LICENSED DOG SHALL BE
9 NOTIFIED OF THE DOG'S IMPOUNDMENT BY THE COUNTY OR ITS AGENT BY
10 CERTIFIED MAIL TO THE ADDRESS OF THE OWNER INDICATED UPON THE
11 LICENSE APPLICATION. THE NOTICE SHALL BE SENT WITHIN 72 HOURS OF
12 THE DOG'S IMPOUNDMENT AND SHALL GIVE THE OWNER 72 HOURS FROM THE
13 DATE OF THE NOTICE IN WHICH TO REDEEM THE DOG. THEREAFTER, THE DOGS
14 BECOME THE PROPERTY OF THE COUNTY OR ITS AGENT AND SHALL BE DISPOSED
15 OF BY RETURN TO THEIR OWNER, ADOPTION OR EUTHANASIA [if not claimed
16 by their owners].

17 (c) When dogs are found [running] at large and their
18 ownership is known [by] TO the animal control [wardens] WARDEN,
19 such dogs [need not be impounded, but the animal control wardens
20 may, at their discretion, cite the owners of such dogs to
21 appear in court to answer charges of violation of this chapter]
22 MAY, AT THE DISCRETION OF THE ANIMAL CONTROL WARDEN, BE RETURNED
23 TO THE OWNER, WHO SHALL ALSO BE SERVED A VIOLATION NOTICE.

24 [(d) Immediately upon impounding dogs or other animals,
25 the animal control wardens shall make a prompt and reasonable
26 effort to notify the owners of such dogs impounded and inform them
27 of the conditions whereby they may regain custody of such animals.]
28 Section [4-16] 4-12. Redemption of impounded dogs.

29 (a) The owner shall be entitled to resume possession of
30 any impounded dog [, except as hereinafter provided,] upon
31 compliance with the license provisions of this chapter and CHAPTER 13
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1 AND the payment of the [impoundment] fees set forth in SECTION
2 4-13 OF THIS ARTICLE [section 4-17].

3 (b) [Proof of ownership must be established. Proof of
4 ownership may] THE CLAIMANT SHALL ESTABLISH SATISFACTORY PROOF OF
5 OWNERSHIP WHICH SHALL include the license receipt, affidavits of
6 neighbors, a photograph, OR OTHER APPROPRIATE IDENTIFICATION [etc.].

7 [(c) Any dog impounded under the provisions of this
8 chapter may be reclaimed by the owner upon payment of impounding
9 fees.]

10 Section [4-17] 4-13. Impoundment fees.

11 Any dog impounded under this article may be reclaimed
12 as herein provided upon payment TO THE COUNTY, by the owner, [to
13 the Humane Society of the county, of] the sum of [ten] FIFTEEN TEN
14 dollars. An additional CARE charge of [two] FOUR dollars for each
15 calendar day OR PORTION THEREOF DURING WHICH THE DOG WAS IMPOUNDED
16 shall be added to the impoundment fee [for boarding the animal].
17 Impoundment fees set forth herein and such additional sums as
18 ARE herein provided [by animal control activities shall be collected
19 by the animal control commission] SHALL BE COLLECTED BY THE COUNTY
20 OR ITS AGENT AND PLACED IN THE GENERAL FUND.

21 Section [4-18] 4-14. Confinement and destruction of certain dogs.

22 (a) The owner of any female dog in estrus, or [a
23 condition] AS commonly known, [as "in heat"] IN HEAT, [or "in
24 season,"] shall keep the dog confined in a closed building equipped
25 with adequate flooring [in such a manner that it will not be in]
26 SUCH AS A TIGHT WOODEN OR CONCRETE FLOOR TO PREVENT contact with
27 another dog, [except for] EXCLUDING intentional breeding [purposes].

28 (b) When, in the judgment of the [animal control
29 commission] DIRECTOR OF THE DEPARTMENT or a [graduate] DULY LICENSED
30 veterinarian, a dog should be destroyed for humane reasons OR
31 BECAUSE OF ITS VICIOUS AND DANGEROUS PROPENSITIES, such dog [shall]
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1 MAY be destroyed [without a restriction of any holding time]
2 IMMEDIATELY WITHOUT REGARD TO ANY RESTRICTION OR HOLDING PERIOD
3 OTHERWISE ESTABLISHED HEREIN.

4 Section [4-19] 4-15. Dogs constituting nuisances.

5 It is unlawful for any person to own or [keep] HARBOR a
6 dog which disturbs the peace and quiet of any neighborhood [in an
7 inhabited area] or which is vicious and [bites] A DANGER TO any
8 person. Upon the sworn complaint OF ANY PERSON before the District
9 Court of [the state] MARYLAND for [the county] HARFORD COUNTY
10 [of any two or more persons of different households] alleging that
11 a dog disturbs the peace and quiet of any neighborhood in [an] ANY
12 [inhabited] area of the county, or on the sworn complaint of any
13 [one or more persons] PERSON that a dog is vicious and [has bitten]
14 A DANGER TO any person, a summons shall be issued to the owner or
15 keeper of such dog to appear before the District Court. Upon proof
16 that the dog disturbs the peace and quiet of any neighborhood [in
17 an inhabited area] or is vicious and [has bitten] A DANGER TO any
18 person, the owner or keeper shall be required to deliver up the
19 offending dog to be destroyed in [the most] A humane manner
20 [possible], unless he removes the dog permanently from the
21 neighborhood. If the owner or keeper is required to deliver up the
22 dog to be disposed of or to remove it as aforesaid and he refuses
23 or fails to do so, it is the duty of [the] AN appropriate law
24 enforcement authority of the county [or the animal control
25 commission] to seize the dog wherever it may be found and to cause
26 it to be disposed of in [the most] A humane manner [possible].
27 [Notwithstanding the foregoing provisions of this section, the
28 barking of hunting dogs in pursuit of game shall not be considered
29 a disturbance of the public peace for the purposes
30 hereof.]

1 [Section 4-20. Killing of livestock and compensation.]

2 [(a) Any person may destroy any dog which he sees in the
3 act of pursuing, attacking, wounding or killing, or escaping after
4 attacking, wounding or killing, poultry or livestock or attacking
5 human beings, whether or not such dog bears the proper license tag
6 required by this chapter. There shall be no liability on such
7 persons in damages or otherwise for such killing.]

8 [(b) When any inhabitant of the county shall have any
9 sheep, poultry or livestock destroyed or injured by a dog, he may
10 apply to the animal control commission, who shall appoint three
11 disinterested persons as appraisers to view and appraise the
12 damages sustained by him, at least one of such appraisers shall
13 be an animal control warden, and, under oath, shall state in
14 writing to the county the number of sheep, poultry or livestock
15 killed, the character and extent of the injury, if any done, and
16 the amount of damages, upon which they shall all agree, sustained
17 by the owner; and both the appraisers and the owner of the sheep,
18 poultry or livestock shall make oath that they believe the same
19 to have been destroyed or injured by a dog; and when the report of
20 such proceedings has been filed, the county shall review such
21 report, and if in their judgment the amount of damages stated is
22 unfair, they shall award such amount as they deem fair, which award
23 shall be paid out of the fund hereby created; provided, that the
24 sworn report of the appraisers shall be deemed prima facie evidence
25 of the fairness of the award of damages in each instance; provided,
26 further, that the county shall not change such an award unless they
27 shall have personal knowledge of its unfairness or shall receive
28 competent testimony to the effect that the award is in excess of a
29 fair commercial valuation of the sheep, poultry or livestock
30 injured or destroyed by dogs. If the owner of the dog or dogs
31 doing the damage is known, it shall be the duty of the county to
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1 notify such owner or to destroy the dog or dogs immediately. If
2 such dog is destroyed by the owner, after proper notice, he shall
3 be exempt from all further liability, but in case the owner shall
4 refuse or neglect to destroy the dog upon proper notice, the owner
5 shall be liable to the county for damages to the same extent as
6 he would be liable in case of negligence or malicious destruction
7 of property, and the county may, in its discretion, have the
8 animal control commission destroy the dog.]

9 Section [4-20] 4-16. Rabies generally.

10 When any dog or other animal, subject to rabies, has
11 [been bitten or has] attacked a person, or is suspected of having
12 rabies, such [facts] FACT shall be immediately reported to the
13 County Health Department, and [such] THE animal shall not be
14 destroyed, but shall be confined [in a way and for a time directed]
15 AS ORDERED by the County Health Officer OR THE DIRECTOR OF
16 THE DEPARTMENT. [Such confinement shall be terminated only with
17 the consent of such county health officer.] The confinement OR
18 IMPOUNDMENT shall be at the expense of the owner [or custodian of
19 such animal] OF THE ANIMAL. IF, IN THE OPINION OF THE COUNTY
20 HEALTH OFFICER, THE DIRECTOR OF THE DEPARTMENT, OR THE ANIMAL
21 CONTROL WARDEN THE ANIMAL IS NOT BEING PROPERLY IMPOUNDED, THE
22 ANIMAL MAY BE IMPOUNDED BY THE ANIMAL CONTROL WARDEN AND PLACED IN
23 SUITABLE CONTAINMENT FOR THE NECESSARY PERIOD. ALL COSTS AND
24 EXPENSES OF SUCH CONTAINMENT SHALL BE CHARGED TO THE OWNER OF THE
25 ANIMAL. If the animal dies or has been destroyed, DURING THE
26 CONTAINMENT PERIOD, its head shall be removed and sent immediately
27 to the County Health Department FOR RABIES TESTING. The local
28 police department, [or] the county sheriff, OR THE ANIMAL CONTROL
29 WARDENS shall enforce all orders of the County Health Officer OR
30 THE DIRECTOR OF THE DEPARTMENT, [under this provision] AND ALL OTHER
31 PROVISIONS OF THIS SECTION.

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1 Section [4-22] 4-17. [Reports] REPORT of bite cases.

2 It shall be the duty of every physician, [other] medical
3 practitioner [, outpatient or accident room of any] AND hospital to
4 report to the County Health Department the names and addresses of
5 persons treated for bites inflicted by dogs OR OTHER ANIMALS,
6 together with [such] ANY information as TO WHICH will be helpful in
7 rabies cntrol.

8 Section [4-23] 4-18. Responsibilities of [veterinarian]
9 VETERINARIANS and county residents regarding rabid animals.

10 It shall be the duty of every veterinarian and every
11 resident of the county to report to the County Health Department
12 any animal considered [by him] to be rabid or to be a rabies
13 suspect.

14 [Section 4-24. Investigation and right of entry.]

15 [For the purpose of discharging the duties imposed by
16 this chapter and to enforce its provisions, the sheriff or his
17 authorized deputies and the animal control wardens are empowered
18 to enter upon any premises where there is probable cause to
19 believe that a violation of the provisions of this chapter exists.]

20 Section [4-25] 4-19. Interference with enforcement officers.

21 No person shall interfere with, hinder or molest any
22 appropriately authorized law enforcement agency of the county or
23 the animal control wardens in the performance of their duties, or
24 seek to release any animal in their custody except as herein
25 provided.

26 Section [4-26] 4-20. Records.

27 (a) It shall be the duty of the [animal control
28 commission] DEPARTMENT to keep, or cause to be kept, accurate and
29 detailed records of impoundment and disposition of all dogs coming
30 [into their custody] UNDER ITS CONTROL.

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[(b) It shall be the duty of the animal control commission to keep, or cause to be kept, for one year, accurate and detailed records of the bite cases reported to them and investigations of same.]

[Section 4-27. Penalty.]

[Any person found guilty of violating any provision of this chapter shall be deemed guilty of a misdemeanor and shall be fined a sum of not more than fifty dollars for each offense.]

[Section 4-28. Civil Penalty.]

[The animal control warden shall serve a violation notice to any person found in violation of this article. The notice shall impose upon such violator a civil monetary penalty of fifteen dollars which shall be paid to the county within ten weekdays in full satisfaction of the assessed penalty. The penalty shall increase to twenty-five dollars for a second offense and fifty dollars for a third offense.]

ARTICLE V. ANIMAL CARE, ABUSE, CRUELTY.

SECTION 4-21. ABUSE OF ANIMALS.

~~(a) NO PERSON SHALL BEAT, TORTURE, OVERLOAD, OVERWORK OR OTHERWISE ABUSE ANY ANIMAL, OR CAUSE, INSTIGATE OR PERMIT ANY DOGFIGHT, COCKFIGHT, BULLFIGHT OR OTHER COMBAT BETWEEN ANIMALS OR BETWEEN HUMANS AND ANIMALS.~~

(a) NO PERSON SHALL OVERDRIVE, OVERLOAD, DEPRIVE, OF NECESSARY SUSTENANCE, TORTURE, CRUELLY BEAT, MUTILATE OR CRUELLY KILL; NOR CAUSE, PROCURE, OR AUTHORIZE THESE ACTS; NOR, HAVING THE CHARGE OR CUSTODY OF THE ANIMAL, EITHER AS OWNER OR OTHERWISE, INFLICT UNNECESSARY SUFFERING OR PAIN UPON THE ANIMAL, OR UNNECESSARILY FAIL TO PROVIDE THE ANIMAL WITH NUTRITIOUS FOOD IN SUFFICIENT QUANTITIES, NECESSARY VETERINARY CARE, PROPER DRINK, AIR, SPACE, SHELTER, OR PROTECTION FROM THE WEATHER.

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1 (b) NO PERSON MAY OWN, KEEP OR USE ANY DOG, COCK OR
2 OTHER ANIMAL FOR THE PURPOSE OF FIGHTING, BAITING OR SERVING AS A
3 TARGET. NO PERSON MAY KNOWINGLY PERMIT ANY BUILDING, SHED, ROOM,
4 YARD OR OTHER PREMISES TO BE USED FOR THE PURPOSE OF EXHIBITING
5 OR HOUSING THE FIGHTING, BAITING OR USE AS TARGETS OF ANY DOG, COCK
6 OR OTHER ANIMAL. NO PERSON SHALL ATTEND ANY EXHIBITION OF DOGS,
7 COCKS OR OTHER ANIMALS FOR THE PURPOSE OF FIGHTING, BAITING OR
8 SERVING AS A TARGET, NOR SHALL SUCH PERSON KNOWINGLY BE PRESENT AT
9 SUCH TIME AS PREPARATIONS ARE MADE FOR SUCH AN EXHIBITION. ALL
10 ANIMALS, EQUIPMENT, DEVICES AND MONEY INVOLVED IN A VIOLATION OF
11 THIS SECTION SHALL BE FOREFEITED TO THE COUNTY.

12 SECTION 4-22. ABANDONMENT OF ANIMALS.

13 NO PERSON SHALL ABANDON ANY ANIMAL ON PROPERTY WITHIN
14 THE COUNTY.

15 SECTION 4-23. ANIMALS IN VEHICLES.

16 NO PERSON SHALL LEAVE ANY ANIMAL UNATTENDED IN A MOTOR
17 VEHICLE WHEN THE TEMPERATURE OUTSIDE EXCEEDS EIGHTY DEGREES
18 FAHRENHEIT. ANY ANIMAL CONTROL WARDEN OR LAW ENFORCEMENT OFFICER
19 WHO DETERMINES THAT AN ANIMAL HAS BEEN LEFT IN A MOTOR VEHICLE IN
20 VIOLATION OF THIS SECTION SHALL HAVE THE RIGHT TO TAKE SUCH STEPS
21 TO FREE THE ANIMAL FROM THE VEHICLE AS HE DEEMS NECESSARY TO
22 PROTECT THE ANIMAL FROM SERIOUS INJURY OR DEATH.

23 SECTION 4-24. SALE OF POULTRY OR RABBITS.

24 POULTRY OR RABBITS LESS THAN EIGHT WEEKS OF AGE MAY NOT
25 BE SOLD IN QUANTITIES OF LESS THAN TWENTY-FIVE PER PURCHASER.

26 SECTION 4-25. CONTROL OF DOG WASTE AND OTHER NUISANCE.

27 (a) NO OWNER OF A DOG SHALL ALLOW IT TO SOIL, DEFILE,
28 DEFECATE UPON OR COMMIT ANY OTHER NUISANCE UPON ANY PUBLIC PROPERTY
29 OR UPON THE PRIVATE PROPERTY OF ANOTHER.

30 (b) THE OWNER MUST TAKE IMMEDIATE STEPS TO ELIMINATE
31 ANY SUCH NUISANCE, INCLUDING FECES CAUSED BY THE DOG, IN AN
32 APPROPRIATE AND SANITARY MANNER.

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AS AMENDED

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1 SECTION 4-26. ANIMALS AS PRIZES.

2 NO PERSON SHALL GIVE AWAY ANY LIVE ANIMAL, FISH,
3 AMPHIBIAN, REPTILE OR BIRD AS A PRIZE, OR AS AN INDUCEMENT TO ENTER
4 ANY CONTEST, GAME OR OTHER COMPETITION, OR AS AN INDUCEMENT TO
5 ENTER A PLACE OF AMUSEMENT; OR OFFER SUCH VERTEBRATE AS AN INCENTIVE
6 TO ENTER INTO ANY BUSINESS AGREEMENT WHEREBY THE OFFER WAS FOR THE
7 PURPOSE OF ATTRACTING TRADE.

8 ~~SECTION 4-27. --WILD-ANIMAL-EXHIBITION.~~

9 ~~NO PERSON SHALL KEEP OR PERMIT TO BE KEPT UPON HIS~~
10 ~~PREMISES ANY WILD OR VICIOUS ANIMAL FOR DISPLAY OR FOR EXHIBITION~~
11 ~~PURPOSES, WHETHER GRATUITOUSLY OR FOR A FEE. -- THIS SECTION SHALL~~
12 ~~NOT APPLY TO ZOOLOGICAL PARKS, PERFORMING ANIMAL EXHIBITIONS, OR~~
13 ~~CIRCUSES.~~

14 SECTION 4-28. 4-27. SHELTERS, DOGS AND CATS.

15 ANY DOG OR CAT WHICH IS KEPT OUTSIDE OR IN AN UNHEATED
16 ENCLOSURE SHALL BE PROVIDED WITH:

17 (a) A MOISTURE-PROOF STRUCTURE, MADE OF A DURABLE
18 BUILDING MATERIAL WITH NO METAL INTERIOR SURFACE, BE SUITABLE IN
19 SIZE TO ACCOMMODATE THE DOG OR CAT AND TO ALLOW FOR THE RETENTION
20 OF BODY HEAT, SHALL INCLUDE A SOLID FLOOR RAISED AT LEAST TWO
21 INCHES OFF THE GROUND, SHALL HAVE AN ENTRANCE COVERED BY A SUITABLE
22 COVERING OR BE DESIGNED IN SUCH A WAY AS TO PREVENT THE ELEMENTS
23 FROM BLOWING DIRECTLY INTO THE SHELTER.

24 (b) SHALL HAVE A SUFFICIENT QUANTITY OF BEDDING MATERIAL
25 SUITABLE TO PROVIDE INSULATION AND PROTECTION AGAINST COLD AND
26 DAMPNES AND TO PROMOTE THE RETENTION OF BODY HEAT.

27 (c) THE PROVISIONS OF SUBSECTION (b) SHALL BE SUSPENDED
28 DURING THE MONTHS OF MAY THROUGH SEPTEMBER.

29 SECTION 4-29. 4-28. CARE OF SHELTERED DOGS AND CATS.

30 ANY DOG OR CAT SHALL BE FED AT LEAST DAILY AND SHALL HAVE
31 POTABLE WATER AVAILABLE AT ALL TIMES.
32

82-10
AS AMENDED

1 SECTION ~~4-30-~~ 4-29. TETHERED ANIMALS.

2 ANY CHAIN, ROPE OR OTHER RESTRAINING LINE USED TO TETHER
3 ANY ANIMAL SHALL BE OF SUFFICIENT LENGTH TO PERMIT THE ANIMAL
4 TO EXERCISE AND SHALL, IN NO EVENT, BE LESS THAN TEN FEET IN LENGTH.

5 ARTICLE VI. PET SHOPS.

6 SECTION ~~4-31-~~ 4-30. LICENSES AND FEES.

7 NO PERSON SHALL OPERATE A PET SHOP WITHOUT POSSESSING A
8 VALID PET SHOP LICENSE. THE ANNUAL LICENSE FEE FOR A PET SHOP
9 SHALL BE AS ESTABLISHED BY LAW.

10 SECTION ~~4-32-~~ 4-31. PET SHOP STANDARDS.

11 ALL PET SHOPS, INCLUDING PET SHOPS RUN IN CONJUNCTION
12 WITH ANY OTHER BUSINESS, SHALL, IN ADDITION TO ANY OTHER REQUIRE-
13 MENT OF LAW, COMPLY WITH THE MINIMUM STANDARDS OF THIS SECTION.
14 FAILURE TO MEET THESE STANDARDS SHALL BE GROUNDS FOR DENIAL OF
15 OR REVOCATION OF THE PET SHOP LICENSE. THE MINIMUM PET SHOP
16 STANDARDS ARE:

17 (a) ALL CAGES AND ENCLOSURES SHALL BE CONSTRUCTED OF A
18 NONPOROUS MATERIAL FOR EASE IN CLEANSING AND DISINFECTING. EACH
19 CAGE MUST BE OF SUFFICIENT SIZE TO ALLOW THE ENCLOSED ANIMAL TO
20 STAND, TURN AND STRETCH TO ITS FULL LENGTH AND HEIGHT WITHIN THE
21 ENCLOSURE.

22 (b) THERE SHALL BE SUFFICIENT CLEAN, DRY BEDDING TO
23 MEET THE NEEDS OF EACH ANIMAL.

24 (c) ALL MAMMALS UNDER THREE MONTHS OF AGE SHALL BE FED
25 AT LEAST THREE TIMES PER DAY.

26 (d) ALL FOOD SHALL BE SERVED IN A CLEAN CONTAINER SO
27 MOUNTED THAT THE ANIMAL CANNOT READILY TIP IT OVER OR DEFECATE OR
28 URINATE THEREIN.

29 (e) HOT WATER AT A MINIMUM TEMPERATURE OF ONE HUNDRED
30 SIXTY DEGREES FAHRENHEIT SHALL BE AVAILABLE FOR WASHING AND
31 DISINFECTING OF CAGES.
32

(f) FRESH WATER SHALL BE AVAILABLE TO ALL ANIMALS AT ALL TIMES. ALL WATER CONTAINERS SHALL BE SO MOUNTED THAT THE ANIMAL CANNOT READILY TURN THEM OVER, AND SHOULD BE REMOVABLE FOR CLEANING.

(g) THE TEMPERATURE OF THE ANIMAL ENCLOSURES SHALL BE MAINTAINED AT A LEVEL SUITABLE FOR THE ANIMAL CONTAINED THEREIN.

(h) EVERY BIRD SHALL BE PLACED IN A CLEAN CAGE WITH SUFFICIENT ROOM TO ALLOW THE BIRD TO SIT UPON A PERCH. LARGE BIRDS SHALL BE PLACED IN SEPARATE CAGES FROM SMALLER BIRDS.

(i) ALL FISH SHALL BE CONTAINED IN CLEAN, ALGAE-FREE TANKS, IN WHICH THE WATER TEMPERATURE SHALL BE MAINTAINED AT A CONSTANT, HEALTHFUL LEVEL. DEAD FISH SHALL BE REMOVED FROM THE TANKS IMMEDIATELY.

(j) ALL ANIMALS SHALL BE FED, WATERED AND RECEIVE CLEAN BEDDING EVERY DAY OF THE WEEK, INCLUDING SUNDAYS AND HOLIDAYS.

SECTION 4-32. EXEMPTIONS. GUIDE DOGS FOR THE BLIND AND DEAF AND DOGS USED BY LAW ENFORCEMENT OFFICERS ARE EXEMPTED FROM THE PROVISIONS OF THESE ARTICLES, EXCEPT FOR LICENSING.

SECTION 4-33. PENALTY.

ANY PERSON FOUND GUILTY OF VIOLATING ANY PROVISION OF THIS CHAPTER SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND SHALL BE FINED NOT LESS THAN TWENTY-FIVE DOLLARS NOR MORE THAN FIVE HUNDRED DOLLARS FOR EACH OFFENSE.

ANY PERSON VIOLATING ANY PROVISION OF THIS CHAPTER SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND SHALL, UPON CONVICTION, BE FINED NOT LESS THAN TWENTY-FIVE DOLLARS NOR MORE THAN ONE THOUSAND DOLLARS, OR IMPRISONED FOR NOT MORE THAN SIX MONTHS, OR BOTH FINED AND IMPRISONED. EACH DAY DURING WHICH A VIOLATION OF THIS CHAPTER CONTINUES SHALL BE DEEMED A SEPARATE OFFENSE.

SECTION 4-34. CIVIL PENALTY.

THE ANIMAL CONTROL WARDEN SHALL SERVE A VIOLATION NOTICE TO ANY PERSON FOUND IN VIOLATION OF THIS ARTICLE. THE

1 NOTICE SHALL IMPOSE UPON SUCH VIOLATOR A CIVIL MONETARY PENALTY
2 OF FIFTEEN DOLLARS, WHICH SHALL BE PAID TO THE COUNTY WITHIN
3 TEN WEEKDAYS IN FULL SATISFACTION OF THE ASSESSED PENALTY. THE
4 PENALTY SHALL INCREASE TO TWENTY-FIVE DOLLARS FOR A SECOND
5 OFFENSE AND FIFTY DOLLARS FOR A THIRD OFFENSE.

6 Section 2. *And Be It Further Enacted*, that this Act shall take
7 effective sixty (60) calendar days from the date it becomes law.

8 EFFECTIVE: May 17, 1982
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BY THE COUNCIL

Read the third time. BILL NO. 82-10 (as amended)

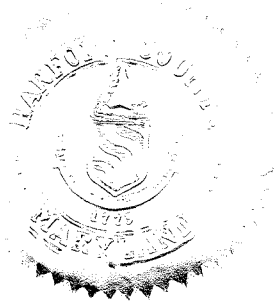
Passed LSD 82-9 (March 16, 1982) (with amendments)

~~Failed of Passage~~

By order

Angela Markowski, Secretary

Sealed with the County Seal and presented to the County Executive
for his approval this 17th day of March, 1982
at 3:00 o'clock P.M.



Angela Markowski, Secretary

BY THE EXECUTIVE

APPROVED:

J. Thomas Barranger
County Executive
Date March 18, 1982

BY THE COUNCIL

This Bill (No. 82-10 (as amended), having been approved by
the Executive and returned to the Council, becomes law on
March 18, 1982.

Angela Markowski, Secretary

Rec'd & Recorded 4-26 1982 at 2:00 P.M.
Not Liber 7 Folio 419 & examined per
H. Douglas Chilcoat, Clerk, Harford Co.

EFFECTIVE DATE: May 17, 1982